

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
COLUMBUS DIVISION

J.P., a minor child, <i>et al.</i> ,	:	
Plaintiff,	:	Case No. 2:04-CV-692
	:	(Judge Marbley)
v.	:	
BOB TAFT, <i>et al.</i>	:	
Defendants.	:	

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**PLAINTIFFS' RESPONSE TO  
MONITOR'S FOURTH REPORT**

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Plaintiffs, by and through counsel, respectfully respond to the Fourth Report of the Monitor, R. 262, filed on April 30, 2010. Plaintiffs agree with the sound findings of the Monitor in all but one respect. As such, Plaintiffs lodge the following objection to the Monitor's conclusions.

The stipulated settlement requires that the Legal Assistance Program ("LAP") provide "routine in-person contact between itself and youth in DYS facilities." (R. 178 Stipulation of Settlement, p. 6 ¶ 1.) The Monitor reports that LAP attorneys visit DYS facilities only once every other month, with the exception of ORVJCF, which they visit once per month. (R. 262 Monitor's Fourth Report, p. 19.) This visitation pattern amounts to a mere *six visits per year* to all but one of DYS's juvenile correctional facilities. Six visits per year can hardly be said to constitute the "routine in-person contact" required by the settlement agreement.

This requirement is neither illusory nor extraneous. As the Monitor reports, a majority of youth in DYS facilities prefer in-person, face-to-face contact with LAP attorneys. *Id.* (noting that 54% of youth surveyed prefer in-person attorney visits). In fact, most youth "felt it was easier to talk

to a lawyer in such a setting and [] had a greater sense of confidentiality when talking face-to-face.”

*Id.* Thus, there is good reason to require LAP attorneys to make more frequent visits to the facilities.

Despite the infrequent visits by LAP attorneys to DYS facilities, the Monitor finds the program to be in compliance with the Stipulation of Settlement. Plaintiffs disagree. Plaintiffs request that the Court overrule this portion of the Monitor’s Fourth Report and issue an order requiring LAP attorneys to visit all DYS facilities at least monthly if not more frequently as required by the Stipulation of Settlement.

Respectfully submitted,

/s/ Jennifer M. Kinsley  
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**CERTIFICATE OF SERVICE**

I hereby certify that an exact copy of the foregoing document was provided via the Court's electronic notification system to counsel for Defendants on the 28<sup>th</sup> day of May, 2010.

/s/ Jennifer M. Kinsley

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Counsel for Plaintiffs